

EXHIBIT B

[Z1A]





202511013 - HERNANDEZ, MARIBEL vs. ULTA SALON COSMETICS & FRAGRANCE INC
(Court 157)

[Print All](#)  (non-financial)
[Chronological History](#)

Summary	+
Appeals	+
Cost Statements	+
Transfers	+
Post Trial Writs	+
Abstracts	+
Parties	+
Court Costs	+
Judgments/Events	+
Settings	+
Services/Notices	+
Court Registry	+
Child Support	+
Images	-














* Note: Not every case file in our library of records is available in electronic format. (A document may be filed in a case that is not viewable electronically.) Only **non-confidential** civil/criminal documents are available to the public. If a document in a case you are looking for is not available, please [click here](#) to notify Customer Service.

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If you are a litigant that is a party of this case and would like access to the restricted documents, please click [here](#).

Image No.	Type	Title	[Reset Sort]	Post Jdgm	Date	Pages	Add Entire Case 
 119527925	Filing	Affidavit of Service (Executed)			03/18/2025	3	Add to Basket 
 119312677	Filing	Request for Issuance of Service			03/05/2025	3	Add to Basket 
 119018395	Filing	Plaintiff's Original Petition, Jury Demand, and Rule 193.7 Notice			02/18/2025	7	Add to Basket 
 119018396	Filing	Request for Issuance of Service			02/18/2025	2	Add to Basket 
 119021431	Filing	Plaintiff's First Amended Petition			02/18/2025	7	Add to Basket 
 119021432	Filing	Civil Process Request Form			02/18/2025	2	Add to Basket 



Marilyn Burgess
HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

Request for Issuance of Service

CASE NUMBER: _____ CURRENT COURT: _____

Name(s) of Documents to be served: Plaintiff's Original Petition, Jury Demand, and Rule 193.7 Notice _____

FILE DATE: February 18, 2025

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Ulta Salon, Cosmetics & Fragrance, Inc. _____

Address of Service: 211 E. 7th Street, Suite 620, Austin, Texas 78701 _____

City, State & Zip: _____

Agent (if applicable) Prentice Hall Corporation System, 211 E. 7th Street Suite 620, Austin, Texas 78701 _____

Issue Service to: _____

Address of Service: _____

City, State & Zip: _____

Agent (if applicable) _____

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias | Newspaper _____ | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance) | <input type="checkbox"/> Attachment (not by E-Issuance) | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance) | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration | |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe) _____ | | | |

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone) _____
☐ MAIL to attorney at: _____
☐ CONSTABLE
☐ CERTIFIED MAIL by District Clerk

☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)

Note: The email registered with EfileTexas.gov must be used to retrieve the E-Issuance Service Documents.
Visit www.hcdistrictclerk.com for more instructions.

☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: Republic Services Box 176
Phone: (713) 957-0094

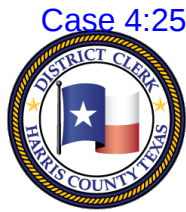
☐ **OTHER**, *explain* _____

Issuance of Service Requested By: Attorney/Party Name: Matthew Stano Bar # or ID 24077073

Mailing Address: 19747 Highway 59 N, Ste 400, Humble, TX 77338 _____

Phone Number: 832-777-0390 _____

Unofficial Copy Office of Marilyn Burgess District Clerk



201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

Request for Issuance of Service

CASE NUMBER: 2025-11013 CURRENT COURT: Harris County 157th Judicial District Court

Name(s) of Documents to be served: Plaintiff's First Amended Petition, Jury Demand, and Rule 193.7 Notice

FILE DATE: March 5, 2025

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Ulta Salon, Cosmetics & Fragrance, Inc.

Address of Service: 211 E. 7th Street, Suite 620, Austin, Texas 78701

City, State & Zip:

Agent (if applicable) Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701

Issue Service to:

Address of Service:

City, State & Zip:

Agent (if applicable):

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias | Newspaper | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance) | <input type="checkbox"/> Attachment (not by E-Issuance) | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance) | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration | |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe) | | | |

(See additional Forms for Post Judgment Service)

SERVICE BY (check one):

- ☐ ATTORNEY PICK-UP (phone)
- ☐ MAIL to attorney at:
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk

- ☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)

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Visit www.hcdistrictclerk.com for more instructions.

☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: Republic Services Box 176
Phone: (713) 957-0094

☐ **OTHER**, *explain* _____

Issuance of Service Requested By: Attorney/Party Name: Matthew Stano Bar # or ID 24077073

Mailing Address: 19747 Highway 59 N, Ste 400, Humble, TX 77338 _____

Phone Number: 832-777-0390 _____

Unofficial Copy Office of Marilyn Burgess District Clerk

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jason Brooks on behalf of Matthew Stano

Bar No. 24077073

jbrooks@stanolawfirm.com

Envelope ID: 98108831

Filing Code Description: Request

Filing Description: Request for Issuance of Citation for First Amended Petition

Status as of 3/6/2025 8:33 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Service The Stano Law Firm		Service@stanolawfirm.com	3/5/2025 3:28:10 PM	SENT



Marilyn Burgess

HARRIS COUNTY DISTRICT CLERK

201 Caroline | P.O. Box 4651 | Houston, Texas 77210-4651 | 832-927-5800 | www.hcdistrictclerk.com

Request for Issuance of Service

CASE NUMBER: 2025-11013

CURRENT COURT: Harris County 157th Judicial District Court

Name(s) of Documents to be served: Plaintiff's First Amended Petition, Jury Demand, and Rule 193.7 Notice

FILE DATE: February 18, 2025

SERVICE TO BE ISSUED ON (Please List Exactly As The Name Appears In The Pleading To Be Served):

Issue Service to: Ulta Salon, Cosmetics & Fragrance, Inc.

Address of Service: 211 E. 7th Street, Suite 620, Austin, Texas 78701

City, State & Zip:

Agent (if applicable) Prentice Hall Corporation System, 211 E. 7th Street, Suite 620, Austin, Texas 78701

Issue Service to:

Address of Service:

City, State & Zip:

Agent (if applicable)

TYPE OF SERVICE/PROCESS TO BE ISSUED: (Check the proper Box)

- | | | | |
|--|---|---|---|
| <input checked="" type="checkbox"/> Citation | <input type="checkbox"/> Citation by Posting | <input type="checkbox"/> Citation by Publication | <input type="checkbox"/> Citations Rule 106 Service |
| <input type="checkbox"/> Citation Scire Facias | Newspaper _____ | | |
| <input type="checkbox"/> Temporary Restraining Order | <input type="checkbox"/> Precept | <input type="checkbox"/> Notice | |
| <input type="checkbox"/> Protective Order | | | |
| <input type="checkbox"/> Secretary of State Citation (\$12.00) | <input type="checkbox"/> Capias (not by E-Issuance) | <input type="checkbox"/> Attachment (not by E-Issuance) | |
| <input type="checkbox"/> Certiorari | <input type="checkbox"/> Highway Commission (\$12.00) | | |
| <input type="checkbox"/> Commissioner of Insurance (\$12.00) | <input type="checkbox"/> Hague Convention (\$16.00) | <input type="checkbox"/> Garnishment | |
| <input type="checkbox"/> Habeas Corpus (not by E-Issuance) | <input type="checkbox"/> Injunction | <input type="checkbox"/> Sequestration | |
| <input type="checkbox"/> Subpoena | | | |
| <input type="checkbox"/> Other (Please Describe) _____ | | | |

(See additional Forms for Post Judgment Service)

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- ☐ ATTORNEY PICK-UP (phone) _____
- ☐ MAIL to attorney at: _____
- ☐ CONSTABLE
- ☐ CERTIFIED MAIL by District Clerk

- ☒ E-Issuance by District Clerk
(No Service Copy Fees Charged)

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☐ **CIVIL PROCESS SERVER** - Authorized Person to Pick-up: Republic Services Box 176
Phone: (713) 957-0094

☐ **OTHER**, *explain* _____

Issuance of Service Requested By: Attorney/Party Name: Matthew Stano Bar # or ID 24077073

Mailing Address: 19747 Highway 59 N, Ste 400, Humble, TX 77338 _____

Phone Number: 832-777-0390 _____

Unofficial Copy Office of Marilyn Burgess District Clerk

CAUSE NO. _____

MARIBEL HERNANDEZ

Plaintiff

VS.

ULTA SALON, COSMETICS &
FRAGRANCE, INC.*Defendant*§
§
§
§
§
§
§
§
§
§

IN THE DISTRICT COURT OF

HARRIS COUNTY, TEXAS

JUDICIAL DISTRICT

PLAINTIFF'S ORIGINAL PETITION, JURY DEMAND, AND RULE 193.7 NOTICE

COMES NOW, MARIBEL HERNANDEZ, Plaintiff in the above-styled and numbered cause of action, complaining of Defendant, ULTA SALON, COSMETICS & FRAGRANCE, INC., and in support thereof would respectfully show the Court the following:

I. DISCOVERY CONTROL PLAN

1.1 The damages in this case exceed \$50,000.00. Plaintiff requests discovery in this case to be conducted under a Level 2 Discovery Control Plan in accordance with Texas Rule of Civil Procedure 190.3.

II. PARTIES

2.1 Plaintiff, Maribel Hernandez, is a resident of Porter, Montgomery County, Texas.

2.2 Defendant, Ulta Salon, Cosmetics & Fragrance, Inc., is a foreign corporation authorized to conduct business in the State of Texas and operating within Harris County, Texas. Defendant may be served by delivering a true and correct copy of the petition and citation to its registered agent, Prentice Hall Corporation System, at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

III. JURISDICTION & VENUE

3.1 The Court has jurisdiction in this cause because the damages are within the jurisdictional limits of the Court.

3.2 All, or a substantial part, of the events or omissions giving rise to the claim occurred in Harris County, Texas. Therefore, venue is proper pursuant to §§ 15.001 and 15.002(a)(1) of the Texas Civil Practice & Remedies Code. Additionally, the venue is proper because the facts show that the convenience of the parties, and the witnesses, and the interest of justice would be best served in Harris County, Texas.

3.3 Plaintiff has satisfied all conditions precedent to this lawsuit.

3.4 Nothing Plaintiff did caused or contributed to this occurrence.

3.5 Plaintiff sues for actual damages that exceed \$250,000.00 but not to exceed \$1,000,000.00.

IV. FACTS

4.1 On or about July 8, 2013, during normal business hours, Plaintiff came upon the business premises which were owned, possessed, controlled and maintained by Defendant. Such premises were more specifically located at 20530 US Highway 59 North, Humble, Texas 77338 and is more commonly referred to as Ulta Humble (hereinafter also referred to interchangeably as “Defendant’s premises”). While on Defendant’s premises, Plaintiff purchased merchandise (oil for hair and scalp), and at checkout she was given a bag to carry it out of the store. However, the bag Plaintiff was given at checkout had a hole in it, causing the product within the bag to fall to the ground and spill. As a result, Plaintiff then slipped and fell due to the spill.

4.2 The incident occurred with tremendous force, proximately causing Plaintiff to suffer severe, excruciating, and painful debilitating injuries.

V. NEGLIGENCE OF DEFENDANT – PREMISES LIABILITY

5.1 At all times material and relevant to the incident forming the basis of this suit, Plaintiff was on Defendant's premises at the express or implied invitation of Defendant, and accordingly Plaintiff was Defendant's invitee at the time the incident occurred.

5.2 Defendant owed a duty to Plaintiff to exercise ordinary care in their ownership, possession, control, maintenance and use of the Defendant's premises to reduce or eliminate the unreasonable risk of harm created by a condition of Defendant's premises which Defendant knew about or in the exercise of ordinary care, should have known about.

5.3 Defendant, acting through their agents, servants and employees, failed to use that degree of care which an owner or occupier of ordinary prudence would have used under the same or similar circumstances, including but not limited to the following non-exhaustive list of particulars:

- a. failing to prevent persons from spilling liquid substance and/or other foreign materials into and on Defendant's premises;
- b. failing to adequately construct the floor surface of Defendant's premises with non-slip materials to take into consideration the leaking of foreign materials on the floor surface;
- c. failing to maintain and inspect the Defendant's premises to prevent foreign materials from remaining on the floor surface;
- d. failing to clean the floor surface of the Defendant's premises in a timely and prudent manner;
- e. failing to warn Plaintiff of the dangerous condition of the Defendant's premises;
- f. failing to warn Plaintiff of the ongoing operations on the Defendant's premises which gave rise to the danger in this case;
- g. failing to inspect carry-out bags to ensure that merchandise placed inside them did not spill or otherwise leak onto the floor surface of Defendant's premises;

- h. failing to train their employees to properly manage the Defendant's premises to help prevent and clean up dangerous conditions which developed on the floor surface; and/or
- i. other acts of negligence.

5.4 One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence, and such negligence was the proximate cause of the Plaintiff's injuries and damages.

VI. DAMAGES

6.1 As a result of the incident made the basis of this lawsuit as described in the preceding paragraphs and the negligence of Defendant, Plaintiff sustained significant injuries and damages in the past and will in reasonable probability sustain damages in the future.

6.2 Plaintiff respectfully requests that the trier of fact determine the amount of their damages and losses that they incurred in the past and that they will reasonably incur in the future, as well as the monetary value of these damages, which include, but are not limited to, the following:

- a. Past, present, and future physical pain and mental anguish;
- b. Past, present, and future loss of earning capacity;
- c. Past, present, and future disfigurement;
- d. Past, present, and future physical impairment;
- e. Past, present, and future medical care and related expenses; and
- f. Past, present, and future out-of-pocket economic losses.

6.3 Because of all of the above and foregoing, Plaintiff suffered actual damages in excess of the minimum jurisdictional limits of the Court for which damages Plaintiff now brings suit.

6.4 Plaintiff seeks both prejudgment and postjudgment interest as allowed by law, for all costs of Court, and all other relief, both general and special, at law and in equity, to which they may otherwise be justly entitled.

VII. PRESERVATION OF EVIDENCE

7.1 Plaintiff hereby requests and demands that Defendant preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including photographs, videotapes, audiotapes, recordings, business or medical records; bills; estimates; invoices; checks; measurements; correspondence; memoranda; files; any item which has been removed from the premises which was involved in the incident; facsimile; email; voicemail; text messages; investigation; cellular telephone records; calendar entries; and any electronic image, data, or information related to Plaintiff, the referenced incident, or any damages resulting therefrom. Failure to maintain such items will constitute a spoliation of the evidence.

VIII. JURY DEMAND

8.1 Pursuant to Texas Rule of Civil Procedure 216, Plaintiff respectfully requests and demands a trial by jury. The appropriate jury fee is tendered with the submission of this pleading.

IX. RULE 193.7 NOTICE

9.1 Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to each Defendant that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

X. CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that each Defendant be cited in terms of law to appear and answer herein, and that upon final trial and hearing hereof, Plaintiff recovers damages in accordance with the evidence, costs of Court herein expended, interest to which Plaintiff is justly entitled under the law, and that the Court grant Plaintiff such other and further relief, both general and special, at law and in equity, to which Plaintiff may otherwise be justly entitled.

Respectfully submitted,

THE STANO LAW FIRM

By: /s/ Matthew C. Stano

MATTHEW C. STANO

State Bar No. 24077073

JASON M. BROOKS

State Bar No. 24092177

THE STANO LAW FIRM

Chase Bank Building

19747 Highway 59 N., Ste. 400

Humble, TX 77338

T: (832) 777-0390

F: (713) 969-4969

E-service: service@stanolawfirm.com

ATTORNEYS FOR PLAINTIFF

Automated Certificate of eService

This automated certificate of service was created by the eFiling system. The filer served this document via email generated by the eFiling system on the date and to the persons listed below. The rules governing certificates of service have not changed. Filers must still provide a certificate of service that complies with all applicable rules.

Jason Brooks on behalf of Matthew Stano

Bar No. 24077073

jbrooks@stanolawfirm.com

Envelope ID: 97480073

Filing Code Description: Petition

Filing Description: Plaintiff's Original Petition, Jury Demand, and Rule 193.7 Notice

Status as of 2/18/2025 10:05 AM CST

Case Contacts

Name	BarNumber	Email	TimestampSubmitted	Status
Service The Stano Law Firm		Service@stanolawfirm.com	2/18/2025 10:01:41 AM	SENT



Notice of Service of Process

ASE / ALL
Transmittal Number: 30953692
Date Processed: 03/07/2025

Primary Contact: Legal Department null
Ulta Salon, Cosmetics & Fragrance, Inc.
1000 Remington Blvd.
Ste 120
Bolingbrook, IL 60440-4708

Electronic copy provided to: Ashley Wyrobek
Esme Recendez
Jodi Caro
Kelly Nelson

Entity: Ulta Salon, Cosmetics & Fragrance, Inc.
Entity ID Number 0199311

Entity Served: Ulta Salon Cosmetics & Fragrance Inc

Title of Action: Maribel Hernandez vs. Ulta Salon Cosmetics & Fragrance Inc

Matter Name/ID: Maribel Hernandez vs. Ulta (14453322)

Document(s) Type: Citation/Petition

Nature of Action: Others

Court/Agency: Harris County District Court, TX

Case/Reference No: 202511013

Jurisdiction Served: Texas

Date Served on CSC: 03/07/2025

Answer or Appearance Due: 10:00 am Monday next following the expiration of 20 days after service

Originally Served On: CSC

How Served: Personal Service

Sender Information: The Stano Law Firm
832-777-0390

Information contained on this transmittal form is for record keeping, notification and forwarding the attached document(s). It does not constitute a legal opinion. The recipient is responsible for interpreting the documents and taking appropriate action.

To avoid potential delay, please do not send your response to CSC

251 Little Falls Drive, Wilmington, Delaware 19808-1674 (888) 690-2882 | sop@cscglobal.com

MAR - 7 2025

11:00am

Receipt Number: 1017773
Tracking Number: 74448305EML

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202511013

PLAINTIFF: HERNANDEZ, MARIBEL

In the 157th Judicial

vs.

District Court of

DEFENDANT: ULTA SALON COSMETICS & FRAGRANCE INC

Harris County, Texas

CITATION

THE STATE OF TEXAS

County of Harris

TO: ULTA SALON COSMETICS & FRAGRANCE INC (A FOREIGN CORPORATION)

BY SERVING ITS REGISTERED AGENT PRENTICE HALL CORPORATION SYSTEM

211 EAST 7TH STREET STE 620 AUSTIN TX 78701

Attached is a copy of PLAINTIFFS FIRST AMENDED PETITION JURY DEMAND AND RULE 193.7 NOTICE.

This instrument was filed on March 5, 2025, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this March 6, 2025.



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002

Generated By: GERARDO PEREZ

Issued at request of:
STANO, MATTHEW CULLEN
19747 US HWY 59 N, STE 400
HUMBLE, TX 77338
832-777-0390
Bar Number: 24077073

DELIVERED
ON: 3/8/25
BY: [Signature]
RECEIVED

Tracking Number: 74448305EML

CAUSE NUMBER: 202511013

PLAINTIFF: HERNANDEZ, MARIBEL

In the 157th

vs.

Judicial District Court

DEFENDANT: ULTA SALON COSMETICS &
FRAGRANCE INC

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at _____ o'clock _____. M., on the _____ day of _____, 20____.

Executed at (address) _____
in _____ County
at _____ o'clock _____. M., on the _____ day of _____, 20____,

by delivering to _____ defendant,
in person, a true copy of this
Citation together with the accompanying _____ copy(ies) of the
_____ Petition
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20____.

FEE: \$ _____

_____ of _____

County, Texas

Affiant

By: _____

Deputy

On this day, _____, known to me to be
the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ of _____, 20____

Notary Public

CAUSE NO. 2025-11013

MARIBEL HERNANDEZ	§	IN THE DISTRICT COURT OF
	§	
<i>Plaintiff</i>	§	
	§	
VS.	§	HARRIS COUNTY, TEXAS
	§	
ULTA SALON, COSMETICS &	§	
FRAGRANCE, INC.	§	
	§	
<i>Defendant</i>	§	157 TH JUDICIAL DISTRICT

PLAINTIFF'S FIRST AMENDED PETITION, JURY DEMAND, AND
RULE 193.7 NOTICE

COMES NOW, MARIBEL HERNANDEZ, Plaintiff in the above-styled and numbered cause of action, complaining of Defendant, ULTA SALON, COSMETICS & FRAGRANCE, INC., and in support thereof would respectfully show the Court the following:

I. DISCOVERY CONTROL PLAN

1.1 The damages in this case exceed \$50,000.00. Plaintiff requests discovery in this case to be conducted under a Level 2 Discovery Control Plan in accordance with Texas Rule of Civil Procedure 190.3.

II. PARTIES

2.1 Plaintiff, Maribel Hernandez, is a resident of Porter, Montgomery County, Texas.

2.2 Defendant, Ulta Salon, Cosmetics & Fragrance, Inc., is a foreign corporation authorized to conduct business in the State of Texas and operating within Harris County, Texas. Defendant may be served by delivering a true and correct copy of the petition and citation to its registered agent, Prentice Hall Corporation System, at 211 E. 7th Street, Suite 620, Austin, Texas 78701.

III. JURISDICTION & VENUE

3.1 The Court has jurisdiction in this cause because the damages are within the jurisdictional limits of the Court.

3.2 All, or a substantial part, of the events or omissions giving rise to the claim occurred in Harris County, Texas. Therefore, venue is proper pursuant to §§ 15.001 and 15.002(a)(1) of the Texas Civil Practice & Remedies Code. Additionally, the venue is proper because the facts show that the convenience of the parties, and the witnesses, and the interest of justice would be best served in Harris County, Texas.

3.3 Plaintiff has satisfied all conditions precedent to this lawsuit.

3.4 Nothing Plaintiff did caused or contributed to this occurrence.

3.5 Plaintiff sues for actual damages that exceed \$250,000.00 but not to exceed \$1,000,000.00.

IV. FACTS

4.1 On or about July 26, 2023, during normal business hours, Plaintiff came upon the business premises which were owned, possessed, controlled and maintained by Defendant. Such premises were more specifically located at 20530 US Highway 59 North, Humble, Texas 77338 and is more commonly referred to as Ulta Humble (hereinafter also referred to interchangeably as “Defendant’s premises”). While on Defendant’s premises, Plaintiff purchased merchandise (oil for hair and scalp), and at checkout she was given a bag to carry it out of the store. However, the bag Plaintiff was given at checkout had a hole in it, causing the product within the bag to fall to the ground and spill. As a result, Plaintiff then slipped and fell due to the spill.

4.2 The incident occurred with tremendous force, proximately causing Plaintiff to suffer severe, excruciating, and painful debilitating injuries.

V. NEGLIGENCE OF DEFENDANT – PREMISES LIABILITY

5.1 At all times material and relevant to the incident forming the basis of this suit, Plaintiff was on Defendant's premises at the express or implied invitation of Defendant, and accordingly Plaintiff was Defendant's invitee at the time the incident occurred.

5.2 Defendant owed a duty to Plaintiff to exercise ordinary care in their ownership, possession, control, maintenance and use of the Defendant's premises to reduce or eliminate the unreasonable risk of harm created by a condition of Defendant's premises which Defendant knew about or in the exercise of ordinary care, should have known about.

5.3 Defendant, acting through their agents, servants and employees, failed to use that degree of care which an owner or occupier of ordinary prudence would have used under the same or similar circumstances, including but not limited to the following non-exhaustive list of particulars:

- a. failing to prevent persons from spilling liquid substance and/or other foreign materials into and on Defendant's premises;
- b. failing to adequately construct the floor surface of Defendant's premises with non-slip materials to take into consideration the leaking of foreign materials on the floor surface;
- c. failing to maintain and inspect the Defendant's premises to prevent foreign materials from remaining on the floor surface;
- d. failing to clean the floor surface of the Defendant's premises in a timely and prudent manner;
- e. failing to warn Plaintiff of the dangerous condition of the Defendant's premises;
- f. failing to warn Plaintiff of the ongoing operations on the Defendant's premises which gave rise to the danger in this case;
- g. failing to inspect carry-out bags to ensure that merchandise placed inside them did not spill or otherwise leak onto the floor surface of Defendant's premises;

- h. failing to train their employees to properly manage the Defendant's premises to help prevent and clean up dangerous conditions which developed on the floor surface; and/or
- i. other acts of negligence.

5.4 One, some, or all of the foregoing acts and/or omissions or others on the part of this Defendant constituted negligence, and such negligence was the proximate cause of the Plaintiff's injuries and damages.

VI. DAMAGES

6.1 As a result of the incident made the basis of this lawsuit as described in the preceding paragraphs and the negligence of Defendant, Plaintiff sustained significant injuries and damages in the past and will in reasonable probability sustain damages in the future.

6.2 Plaintiff respectfully requests that the trier of fact determine the amount of their damages and losses that they incurred in the past and that they will reasonably incur in the future, as well as the monetary value of these damages, which include, but are not limited to, the following:

- a. Past, present, and future physical pain and mental anguish;
- b. Past, present, and future loss of earning capacity;
- c. Past, present, and future disfigurement;
- d. Past, present, and future physical impairment;
- e. Past, present, and future medical care and related expenses; and
- f. Past, present, and future out-of-pocket economic losses.

6.3 Because of all of the above and foregoing, Plaintiff suffered actual damages in excess of the minimum jurisdictional limits of the Court for which damages Plaintiff now brings suit.

6.4 Plaintiff seeks both prejudgment and postjudgment interest as allowed by law, for all costs of Court, and all other relief, both general and special, at law and in equity, to which they may otherwise be justly entitled.

VII. PRESERVATION OF EVIDENCE

7.1 Plaintiff hereby requests and demands that Defendant preserve and maintain all evidence pertaining to any claim or defense related to the incident made the basis of this lawsuit, or the damages resulting therefrom, including photographs, videotapes, audiotapes, recordings, business or medical records; bills; estimates; invoices; checks; measurements; correspondence; memoranda; files; any item which has been removed from the premises which was involved in the incident; facsimile; email; voicemail; text messages; investigation; cellular telephone records; calendar entries; and any electronic image, data, or information related to Plaintiff, the referenced incident, or any damages resulting therefrom. Failure to maintain such items will constitute a spoliation of the evidence.

VIII. JURY DEMAND

8.1 Pursuant to Texas Rule of Civil Procedure 216, Plaintiff respectfully requests and demands a trial by jury. The appropriate jury fee is tendered with the submission of this pleading.

IX. RULE 193.7 NOTICE

9.1 Pursuant to Rule 193.7 of the Texas Rules of Civil Procedure, Plaintiff hereby gives actual notice to each Defendant that any and all documents produced may be used against the Defendant producing the document at any pretrial proceeding and/or at the trial of this matter without the necessity of authenticating the documents.

X. CONCLUSION & PRAYER

WHEREFORE, PREMISES CONSIDERED, Plaintiff respectfully prays that each Defendant be cited in terms of law to appear and answer herein, and that upon final trial and hearing hereof, Plaintiff recovers damages in accordance with the evidence, costs of Court herein expended, interest to which Plaintiff is justly entitled under the law, and that the Court grant Plaintiff such other and further relief, both general and special, at law and in equity, to which Plaintiff may otherwise be justly entitled.

Respectfully submitted,

THE STANO LAW FIRM

By: /s/ Matthew C. Stano

MATTHEW C. STANO

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JASON M. BROOKS

State Bar No. 24092177

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ATTORNEYS FOR PLAINTIFF

AFFIDAVIT OF SERVICE

State of Texas

County of Harris

157th Judicial District Court

Case Number: 202511013

Plaintiff:

MARIBEL HERNANDEZ

vs.

Defendant:

**ULTA SALON, COSMETICS &
FRAGRANCE, INC.**

Received these papers on the 7th day of March, 2025 at 11:00 am to be served on **ULTA SALON, COSMETICS & FRAGRANCE, INC.** by delivering to its Registered Agent, **THE PRENTICE-HALL CORPORATION SYSTEM, INC.**, 211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701.

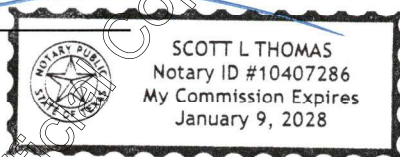
I, Jeff Keyton, being duly sworn, depose and say that on the **7th day of March, 2025 at 2:55 pm, I:**

hand-delivered a true copy of this **Citation and Plaintiff's First Amended Petition, Jury Demand, and Rule 193.7 Notice**, to **ULTA SALON, COSMETICS & FRAGRANCE, INC.** by delivering to its Registered Agent, **THE PRENTICE-HALL CORPORATION SYSTEM, INC.** by and through its authorized agent, **KANEISHA GROSS**, at the address of: **211 E. 7th Street, Suite 620, Austin, Travis County, TX 78701**, having first endorsed upon such copy of such process the date of delivery.

I certify that I am approved by the Judicial Branch Certification Commission, Misc. Docket No. 05-9122 under rule 103, 501, and 501.2 of the TRCP to deliver citations and other notices from any District, County and Justice Courts in and for the State of Texas. I am competent to make this oath; I am not less than 18 years of age, I am not a party to the above-referenced cause, I have not been convicted of a felony or a crime of moral turpitude, and I am not interested in the outcome of the above-referenced cause.

Subscribed and Sworn to before me on the 7th day of March, 2025 by the affiant who is personally known to me.

NOTARY PUBLIC



Jeff Keyton
PSC-735; Exp 7/31/2026

Our Job Serial Number: THP-2025001574
Ref: 85506



MAR - 7 2025

11:00am

Receipt Number: 1017773

Tracking Number: 74448305EML

COPY OF PLEADING PROVIDED BY PLT

CAUSE NUMBER: 202511013

PLAINTIFF: HERNANDEZ, MARIBEL

In the 157th Judicial

vs.

District Court of

DEFENDANT: ULTA SALON COSMETICS & FRAGRANCE INC

Harris County, Texas

CITATION

THE STATE OF TEXAS
County of HarrisTO: ULTA SALON COSMETICS & FRAGRANCE INC (A FOREIGN CORPORATION)
BY SERVING ITS REGISTERED AGENT PRENTICE HALL CORPORATION SYSTEM
211 EAST 7TH STREET STE 620 AUSTIN TX 78701

Attached is a copy of PLAINTIFFS FIRST AMENDED PETITION JURY DEMAND AND RULE 193.7 NOTICE.

This instrument was filed on March 5, 2025, in the above numbered and styled cause on the docket in the above Judicial District Court of Harris County, Texas, in the courthouse in the City of Houston, Texas. The instrument attached describes the claim against you.

YOU HAVE BEEN SUED. You may employ an attorney. If you or your attorney do not file a written answer with the District Clerk who issued this citation by 10:00 a.m. on the Monday next following the expiration of twenty days after you were served this citation and petition, a default judgment may be taken against you. In addition to filing a written answer with the clerk, you may be required to make initial disclosures to the other parties of this suit. These disclosures generally must be made no later than 30 days after you file your answer with the clerk. Find out more at TexasLawHelp.org.

ISSUED AND GIVEN UNDER MY HAND and seal of said Court, at Houston, Texas, this March 6, 2025.



Marilyn Burgess

Marilyn Burgess, District Clerk
Harris County, Texas
201 Caroline, Houston, Texas 77002

Generated By: GERARDO PEREZ

Issued at request of:
STANO, MATTHEW CULLEN
19747 US HWY 59 N, STE 400
HUMBLE, TX 77338
832-777-0390
Bar Number: 24077073AFFIDAVIT
ATTACHED

Tracking Number: 74448305EML

CAUSE NUMBER: 202511013

PLAINTIFF: HERNANDEZ, MARIBEL

vs.

DEFENDANT: ULTA SALON COSMETICS &
FRAGRANCE INC

In the 157th

Judicial District Court

of Harris County, Texas

OFFICER/AUTHORIZED PERSON RETURN

Came to hand at 11 o'clock 4:25 M., on the 7th day of MARCH, 2025.

Executed at (address) _____
in _____ County
at _____ o'clock _____ M., on the _____ day of _____, 20 _____,

by delivering to _____ defendant,
in person, a true copy of this
Citation together with the accompanying _____ copy(ies) of the
_____ Petition
attached thereto and I endorsed on said copy of the Citation the date of delivery.

To certify which I affix my hand officially this _____ day of _____, 20 _____.

FEE: \$ _____
_____ of _____

County, Texas

By: _____
Affiant Deputy

On this day, _____, known to me to be
the person whose signature
appears on the foregoing return, personally appeared. After being by me duly sworn,
he/she stated that this citation was executed by him/her in the exact manner recited
on the return.

SWORN TO AND SUBSCRIBED BEFORE ME on this _____ of _____, 20 _____

Notary Public